

B1 174. (New) The microphone assembly according to claim 173 wherein the acoustical barrier comprises an interior surface of a passenger vehicle.

REMARKS

Applicant has cancelled claims 64-71 and 94-127, and has added new claims 128-174.

Claims 101, 102, 126 and 127 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter not described in such a way to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has cancelled those claims, but as explained more completely below, Applicant is resubmitting claims 126 and 127 as new claims 167 and 168. Accordingly, Applicant respectfully traverses this rejection.

Applicant directs the Examiner to, for example, page 15, lines 12-22 of the specification, which states:

Second, microphone elements are employed which inherently have close matching of their low-frequency cutoff frequencies. This can be achieved by employing elements with fairly low and well controlled cutoffs in, for example, the range of 20 Hz to 40 Hz, or with very low, but more poorly controlled cutoffs in, for example, the range of 5 Hz to 25 Hz, or, simply, lower than 20 Hz. These represent cutoff mismatches of no greater than 1/15 of the 300 Hz lower frequency limit of the useful assembly frequency range. Usable assemblies could still be made with cutoff mismatches as high as 1/5 of the useful frequency range lower limit, but the tighter tolerances are much more desirable.

Applicant submits that at least this portion of the specification enables a person of skill in the art to make and/or use the invention as set forth in new claims 167 and 168. Applicant therefore believes that the 112, first paragraph rejection has been overcome.

Claims 64-66, 94, 95, 98, 99, 103-105, 115, 116, and 118-120 were rejected under 35 U.S.C. 102(e) as being anticipated by Preves et al., U.S. Patent 5,757,933. In addition, claims 69, 108 and 123 were under 35 U.S.C. 103 as being unpatentable over Preves et al. in view of

Norris et al., U.S. Patent 5,373,555. Applicant has cancelled these claims, and may pursue these claims in a continuation or divisional application.

Claims 67, 68, 70, 71, 96, 97, 100, 106, 107, 109, 110, 113, 114, 117, 121, 122, 125 and 126 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has cancelled those claims, and resubmitted them in independent form, including all of the limitations of the base claim and any intervening claims, as new claims 128, 129, 131, 134, 136, 137, 141, 145, 146, 148, 151, 153, 154, 158, 162, 163, 165, and 167, respectively. Applicant also has added new claims that depend from various ones of these allowable claims, and accordingly submits that these newly added dependent claims are allowable as well.

Finally, Applicant was unable to find a rejection in the Office Action of claim 124, which is similar in many respects to objected to claims 70 and 109. Applicant believes that the Examiner intended to object to claim 124 as well. Applicant has resubmitted claim 124 in independent form, including all of the limitations of the base claim and any intervening claims, as new claim 172. Accordingly, Applicant believes that new claim 172, and its dependent claims 173 and 174, are also allowable.

For ease of review by the Examiner, Applicant attaches hereto as Appendix A, a listing of all of the newly added claims, with an indication of the old claim number in parentheses after the new claim number, where appropriate.

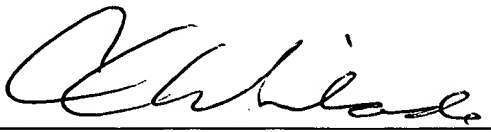
Applicant is submitting herewith a Request for a Three-Month Extension of Time to respond to the November 21, 2002 Office Action. Applicant hereby authorizes the

Commissioner to charge the associated extension fee, along with any other fees required by this submission, to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Based on at least the foregoing, Applicant believes that claims 128-174 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, Applicant invites the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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